

associated with its operation. Preset values are provided for each parameter. A locked control panel is also provided which can be used to change these parameters.

Claim 21 recites the following invention:

21. A playback system for reproducing audio signals from a data stream containing audio and control data, said system comprising:

a demultiplexer arranged to separate said audio and control data; and  
a playback circuit adapted to convert said audio data into audio signals in accordance with said control data.

As recited in this claim, the present invention is provided to handle a stream of data that includes both audio and control data. The invention includes a demultiplexer used to separate audio signal from the control data. The Examiner takes the position that Nagata discloses a playback system for "reproducing audio signals from a data stream containing data and control data." The Applicants do not agree with this characterization. There is nothing in this reference that discloses or even suggests in any way a data stream of this nature. The Examiner makes reference to "programs stored in the memory." These programs refer to the preset values of the replay parameters that are stored at the time the device is shipped from the factory. There is nothing in the reference that indicates that any control data is incorporated into a data stream. The Applicants acknowledge the position of the Examiner that demultiplexers are well known in the art. The Applicants did not invent multiplexers or demultiplexers and do not make a claim on such devices. What the Applicants have invented and what they do deserve protection for is a system in which control and audio signals are sent or recorded simultaneously, and a device in which these two different types of data are separated. In order to show obviousness, the Examiner has the burden of showing the feature is disclosed in the prior art and conclusory

statements to the effect that demultiplexers are known, are simply insufficient as a matter of law.

Claims 22-30 dependent on claim 21 recite various other features of the invention which are likewise not found in Nagata. For example, claim 26 recites a sensing circuit used to sense local data that is then used to modify the operation of the device. There is no mention in Nagata of any such circuit.

Claim 31 recites the following invention:

31. A playback system for reproducing audio signals from a data stream containing audio and control data with information indicative of recording conditions during the recording of said audio signals, said system comprising:

a demultiplexer arranged to separate said audio and control data; and  
a playback circuit adapted to convert said audio data into audio signals in accordance with said control data to compensate said audio signals for the recording conditions.

This claim is similar to claim 21 but it further specifies that the control data is with information indicative of recording conditions and that the playback circuit compensates the audio signals for the recording conditions. There is absolutely nothing in Nagata that discloses anything relevant to the recording conditions and how these conditions are taken into account when sounds are replayed.

The Examiner's reliance on Begault is misplaced. The Applicants view of this reference is on record and needs no repetition. Suffice it to say that there is nothing in Begault that overcomes the deficiencies of Nagata, and hence this reference is immaterial.

In summary, it is submitted that the subject application discloses and claims an invention having elements that are clearly not found in the prior art. Hence it is further submitted that the Examiner has failed to make out a prima facie case of obviousness.

Accordingly it is submitted that the rejections be withdrawn and that the application claims be allowed.

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Respectfully submitted

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